



# **FREDERICK COUNTY PLANNING COMMISSION**

## **November 13, 2013**

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**TITLE:****Sonic Restaurant****FILE NUMBER:****SP-97—36A, AP #13781****REQUEST:****Site Plan Approval**

The Applicant is requesting site plan approval for a 1,704 square foot restaurant with drive through lanes and outdoor seating, on a 1.04-acre site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 7400 Guilford Drive; located on the northwest corner of Guilford Drive and MD 85.

**TAX MAP/PARCEL:** Tax Map 77, Parcel 306

**COMP. PLAN:** General Commercial (GC)

**ZONING:** General Commercial (GC)

**PLANNING REGION:** Frederick

**WATER/SEWER:** W-1/S-1

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Sonic Outpost LLC.

**OWNER:** Wal-Mart Real Estate Business Trust

**ENGINEER:** Frederick, Seibert & Associates, Inc.

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:**

Tolson DeSa, Principal Planner II

**RECOMMENDATION:** Conditional Approval**ATTACHMENTS:**

Exhibit 1-Site Plan Rendering: Lot 1A

Exhibit 2- Parking Space Modification Statement

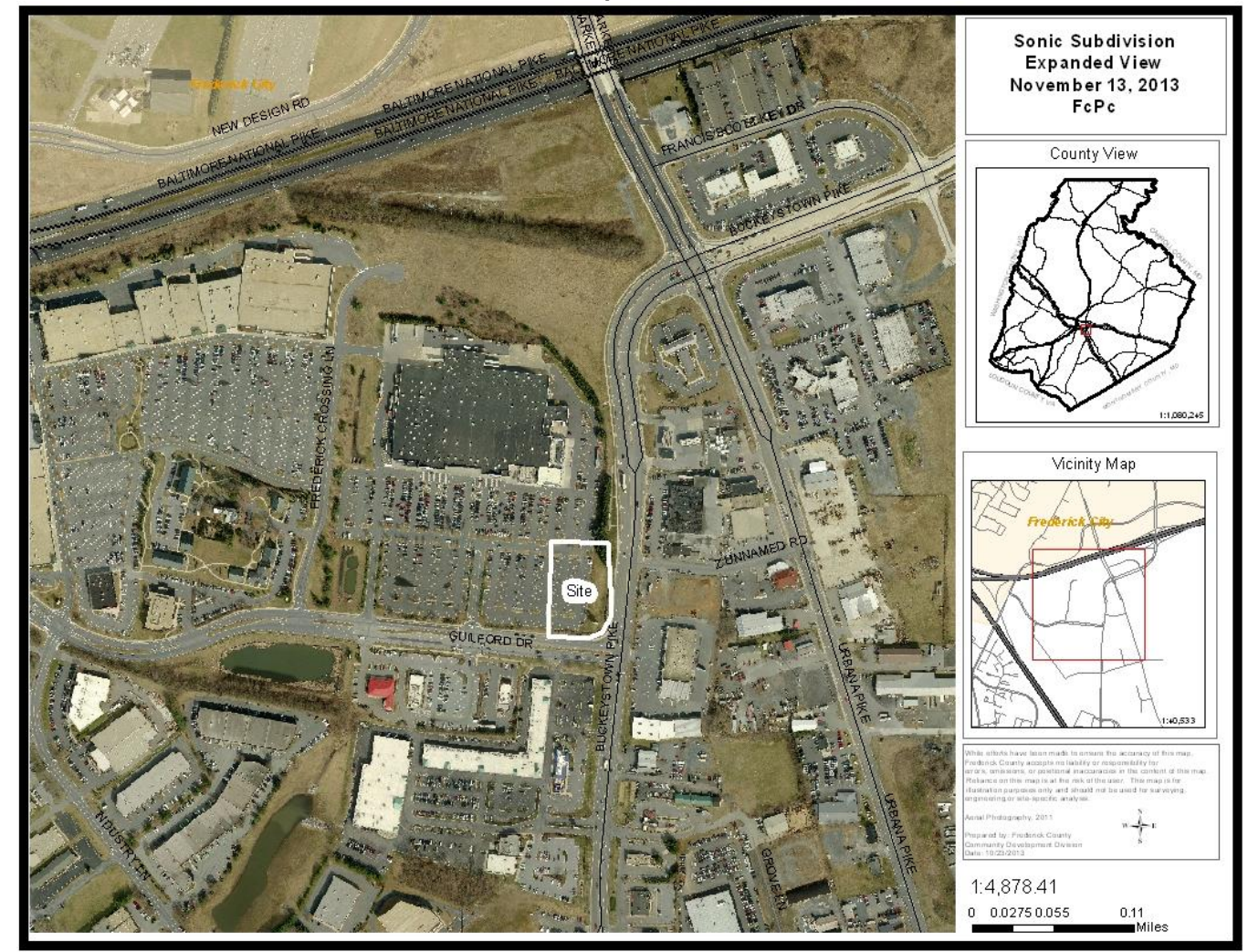
# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting site plan approval for a 1,704 square foot restaurant, with drive through lanes and outdoor seating for 40 people, the use will also contain 21 covered drive-up parking service stations. The restaurant will be located within the existing Wal-Mart parking lot at the corner of Guilford Drive and MD 85 (See Graphic #1). The Applicant is also proposing 39 parking spaces, including 2 handicapped accessible spaces. The proposed use is being reviewed as a "Restaurant" land use under the heading of *Commercial Business and Personal Services* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial Zoning District subject to site development plan approval.

Graphic #1





## BACKGROUND

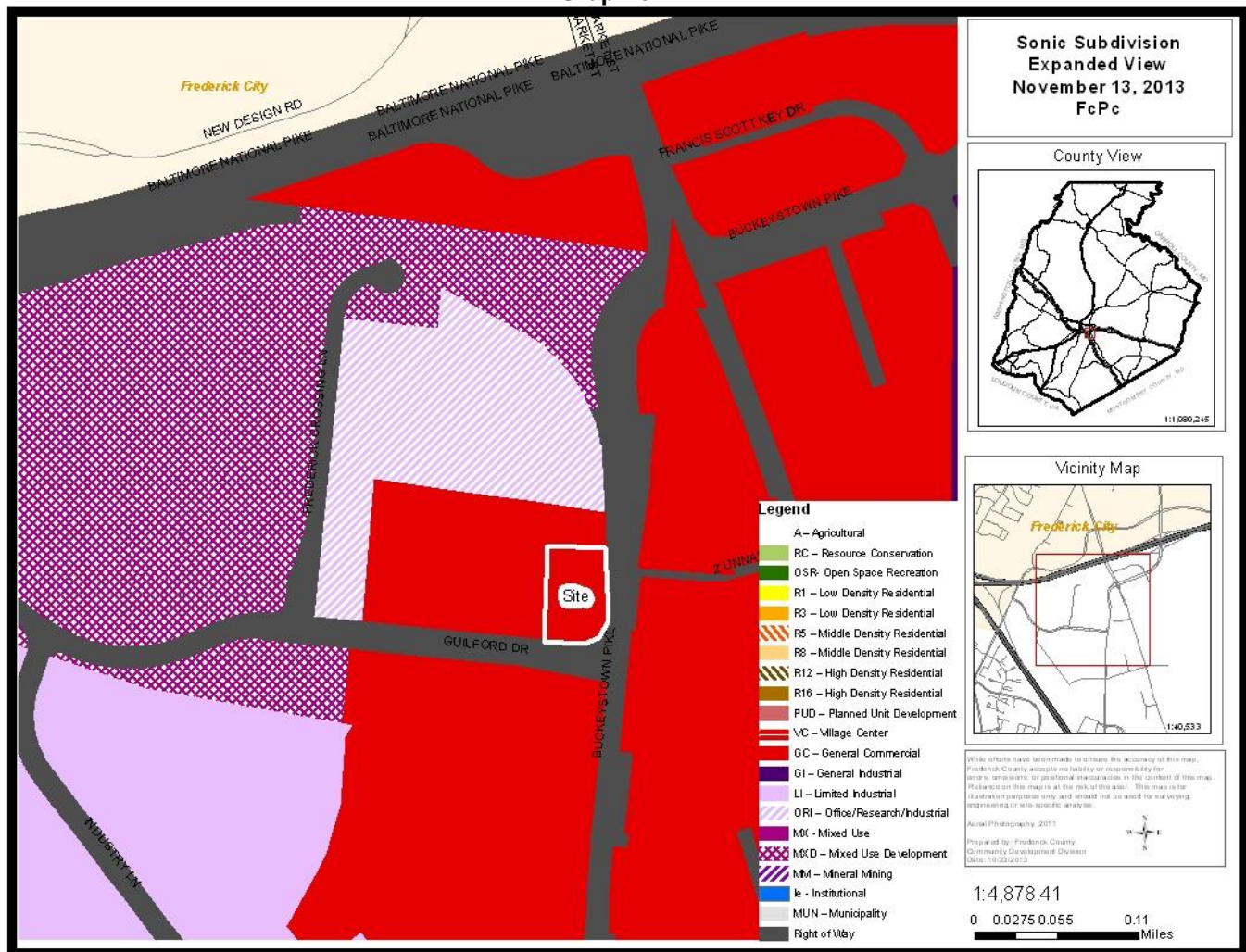
### Development History

The Wal-Mart retail center site development plan was approved in 1999; the portion of the original site that is the subject of this application was identified as a surface parking lot. The proposed restaurant will be located on the lot that was the subject of a Combined Preliminary/Final Plat (AP #13780) to create a 1.04 acre (Lot 1A) from the 26.61-acre remainder, known as Lot 1. The Adequate Public Facilities Ordinance states that both major and minor commercial/industrial subdivisions must be tested for APFO. Therefore, traffic APFO was addressed with the combined preliminary/final subdivision plat submission (AP#13780). The Combined Preliminary/Final Plat (AP #13780) was reviewed by the Frederick County Planning Commission (FCPC) on November 13, 2013; this lot has yet to be recorded.

### Existing Site Characteristics

The site is currently zoned General Commercial, and is developed as parking for the existing Wal-Mart Retail Store (See Graphic #2). The property to the west of the site is developed with the Frederick Crossing Retail Center, with associated parking spaces.

Graphic #2



# **ANALYSIS**

## **Summary of Development Standards Findings and Conclusions**

The key issues related to this site are the following: integrated design of the buildings within the Wal-Mart parking lot, pedestrian and vehicular circulation between the Wal-Mart and the proposed restaurant, as well as retrofitting the surrounding parking lot with additional landscaped islands.

## **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

## **Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for a 'commercial use' within the GC zoning district are a 25-foot front yard, a 25-foot rear yard, and 8' side yards. The maximum height allowed is 60 feet; the restaurant is proposed to be 35 feet in height. The proposed plan meets the required Bulk/Dimensional requirements.
2. **Signage §1-19-6.300:** Signage will comply with Zoning Ordinance Section 1-19-6.300 through 1-19-6.320. Within the GC zoning district the maximum signage is calculated at 10 times  $\sqrt{F}$ , where F is the length of the side of the building facing a public street (measured in lineal feet). Where the building faces multiple public streets, F shall equal the total of measurement A and measurement S. The proposed restaurant has frontage on both MD 85 and Guilford Drive. Therefore,  $F = 99.96 + 28.63 = 128.59$ , the site is not proposing a pylon sign and may therefore claim an extra 25% for a total signage allotment of 141.75 square feet.

The Applicant is proposing a signage not to exceed 136.10 square feet, there are no free standing signs proposed. The signage plan submitted complies with Zoning Ordinance requirements.

3. **Landscaping §1-19-6.400:** The Applicant has proposed a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. The proposed plan includes street trees and existing vegetation together with new plantings to be located along the property lines. The Applicant increased the amount of landscaping as well as replaced some dying trees within the existing landscaped beds along Guilford Drive. The proposed 21 covered ordering stations due not fall under the 20 % parking lot canopy cover requirement because these spaces are covered by an awning and further reviewed as service areas.

**Lighting §1-19-6.500:** The Applicant has provided a lighting plan in accordance with Zoning Ordinance Section 1-19-6.500. The Applicant is proposing a mix of building mounted lights as well as utilizing the existing 25 foot tall poles within the Wal-Mart parking lot. The lighting plan proposes six building mounted lights at a height of 12 feet. The Applicant is relocating three existing 25' tall pole lights in order to properly light the proposed restaurant as well as provide the

same level of lighting throughout the existing Wal-Mart parking lot. Therefore, the Applicant's plan does propose lighting levels over 0.5 foot candles at the periphery of the property. However, due to the fact that this site is a pad site and is located within an existing parking lot, Staff has no objection to the light spillage proposed because the relocated lights provide the same level of light and safety for the patrons of Wal-Mart as well as the proposed Sonic.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

## **Findings/Conclusions**

- 1. Access/Circulation:** Motorists will use the existing Wal-Mart entrances with Guilford Drive, a County collector road, to serve Lot 1A. The entrances meet County standards for a commercial entrance. The existing entrances meet sight distance requirements and have been approved by Development Review Engineering Staff. No direct access with MD 85 is permitted.
- 2. Connectivity §1-19-6.220 (F):** Motorists will use the existing Wal-Mart entrances with Guilford Drive to approach the site. Internally, the site is designed to minimize disruption to the existing Wal-Mart parking lot by requiring all ingress to the Sonic lot and drive through lane to be in the far southeast corner of the overall lot, thus eliminating any approach queuing from disrupting existing users.
- 3. Public Transit:** This site is served by County TransIT, Monday through Saturday: the Route #10 Mall to Mall Connector (on advanced request) as well as the Route #20 FSK Mall Connector. Both bus routes drop off and pick up in the Wal-Mart parking lot, which is a short walk to and from the proposed restaurant.
- 4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Pursuant to §1-19-6.220 of the Zoning Ordinance, parking space requirement for a fast-food restaurant is 1 space for every 75 square feet of floor area devoted to customer service area. Therefore, the 1,050 square feet of customer floor area proposed by the Applicant, requires 14 spaces. The Applicant is proposing 37 parking spaces, including 2 ADA accessible spaces.

The Applicant is seeking a parking space modification in accordance with Zoning Ordinance Section 1-19-6.220.A.1. to permit 39 parking space for the proposed Sonic restaurant. The proposed restaurant has an outdoor seating area which contains 40 seats. There are also 21 drive-up canopy spaces shown on the site plan where the patrons can choose to order from their cars or the ordering boards located under the outdoor eating canopy.

Pursuant to §1-19-6.220 of the Zoning Ordinance, parking space requirements for shopping centers 100,000 square feet or greater, are 4.5 spaces for each 1,000 square feet of gross leasable area (GLA). The total GLA for the Wal-Mart is 204,075 square feet, which requires 919 parking spaces, currently there are 1,003 spaces on site. In order to construct the Sonic restaurant the Applicant must remove 114 parking spaces, leaving the existing Wal-Mart with 889 total parking spaces. This figure results in a parking ratio of 4.35 spaces per 1,000 square feet of gross floor area. The Applicant is seeking a parking space modification for the existing Wal-Mart in accordance with Zoning Ordinance Section 1-19-6.220.A.1. to permit a parking ratio of 4.35 per 1,000 square feet for the existing Wal-Mart retail center.

The Applicant has submitted a parking space modification statement which is attached to this Staff Report as Exhibit #2. Staff does not object to the requested parking space modifications for the existing Wal-Mart retail center as well as the proposed Sonic restaurant.

5. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance does not require bike racks for buildings with a square footages of less than 5,000 square feet. The proposed building is 1,704 square feet and therefore the Applicant is not required to add bike racks.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed sidewalks around all sides of the proposed structure as well as crosswalks across the main drive isles, including a direct connection to the Guilford Drive sidewalk, in order to provide safe, efficient and ADA compliant pedestrian access into the restaurant from the adjacent parking areas.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

#### **Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP. While the public sewer and water facilities are currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

#### **Findings/Conclusions**

1. **Topography:** Lot 1A is flat and an existing parking lot; the proposed plan will not significantly alter the existing topography on site other than what is to be expected during construction.
2. **Vegetation:** The Applicant is proposing a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400.
3. **Natural Hazards:** Based on available mapping, no wetlands or FEMA floodplain are located on the site.

This criterion has been met based upon the above findings and the fact that the site is an existing parking lot that will be enhanced by the landscaping as proposed by the Applicant.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

#### **Findings/Conclusions**

1. **Proposed Common Area:** There are no common areas proposed as part of this development proposal.

### Other Applicable Regulations

**Stormwater Management – Chapter 1-15.2:** Storm water management (SWM) shall be in accordance with the Maryland Storm water Design Manual, including all revisions and all supplements. A combined SWM concept/development/improvement plan (AP #13970) is under review for this project.

**APFO – Chapter 1-20:** This project received APFO approval as part of the

1. Combined Preliminary/Final Subdivision Plat for Lot 1A, (AP# 13780).
2. **Schools.** Schools are not impacted because the proposed development is a non-residential use.
3. **Water/Sewer.** Water and Sewer APFO was processed in conjunction with the Combined Preliminary/Final Subdivision Plat for Lot 1A, (AP# 13780).
4. **Roads.** Roads APFO were processed in conjunction with the Combined Preliminary/Final Subdivision Plat for Lot 1A, (AP# 13780).

**Forest Resource – Chapter 1-21:** The Sonic site was mitigated for FRO when Lot 1 was recorded in 1994 as part of the development process for Wal-mart. Therefore the FRO requirements for this site have been met.

**Historic Preservation – Chapter 1-23:** There are no historic structures located on this site.

### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditional Approval
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion
<b>State Highway Administration (SHA):</b>	Conditional Approved
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Approved
<b>Health Dept.</b>	Conditional Approved
<b>Office of Life Safety</b>	Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	N/A

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Plan. If the Planning Commission conditionally approves the Site Plan, the Site Plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Record Lot 1A of Locust Level and list the proper Liber Folio on the Sonic Site Development Plan.
3. Prior to stamping of Final Sonic Site Development Plan the Wal-Mart Parking Lot Modification Site Plan, must be stamped and signed.
4. A waste fixture count must be performed by the Frederick County DUSWM, Division of Engineering and Planning before a building permit can be approved.
5. The combined SWM concept/development/improvement plan (AP #13970) must be approved prior to final site plan stamp and signature.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE WITH CONDITIONS**

I move that the Planning Commission **APPROVE** Site Plan SP 97-36A AP #13781 **with conditions** as listed in the staff report for the proposed Sonic Restaurant, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.







CIVIL ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ LAND PLANNERS

September 12, 2013

Re: Site Plan for Sonic  
C/O John Louderback  
13505 Olde Saybrook Circle  
Hagerstown, MD 21742

Frederick County Planning Commission  
c/o Tolson DeSa  
30 North Market Street  
Frederick, Maryland 21701

Dear Mr. DeSa,

On behalf of my client, John Louderback, I am requesting a parking space modification in accordance with Section 1-19-6.220.(A).(3) of the Frederick County Zoning Ordinance for the WalMart site. Due to the various uses on the site, we are interpreting the site to be a Shopping Center 100,000 square feet or greater per Section 1-19-6.220.(A).(4) of the Zoning Ordinance. The requirement for parking spaces is 4.5 spaces for each 1,000 square feet of gross leasable area.

Per the previously approved plan the proposed building area =	204,075 gross square feet
The required parking at 4.5 spaces/1,000 square feet =	919 spaces
The existing parking provided =	1003 spaces
The existing parking deleted for the Sonic Site =	114 spaces
The net parking provided on the site =	889 spaces
Proposed parking ratio =	4.35 spaces/1,000 sq. ft. gross

The Site Plan for Sonic requires 14 spaces for the seating that will be provided under the outdoor eating canopy that has an area of 1,050 square feet. There are 21 drive up canopy spaces shown on the site plan of which the patrons can choose to order from their cars or the ordering boards located under the outdoor eating canopy. We are proposing 2 handicap spaces with one (1) of those being van accessible and 16 regular parking spaces for a total of 39 spaces.

The required parking at 1 space/75 square feet =	14 spaces
Drive up canopy spaces provided =	21 spaces
Total parking spaces provided =	39 spaces
Total parking spaces provided – drive up canopy spaces =	18 spaces
Proposed parking ratio =	1 space/58.3 sq. ft. gross

Your consideration on the matter is greatly appreciated.

Sincerely,  
Frederick, Seibert & Associates, Inc.

A handwritten signature in blue ink, appearing to read 'Anthony Taylor'.

Anthony Taylor, PE, RLS  
Project Manager

128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

(301) 791-3650

FREDERICK (301) 416-7478

PENNSYLVANIA (717) 597-1007

FAX (301) 739-4956